

The Public Agenda Session of the Board of Public Works was convened at 10:35 a.m. on Thursday, December 21, 2006, by Board President Gary A. Gilot, with Mr. Carl P. Littrell, and Mr. Donald E. Inks present. Also present was Board Attorney Thomas Bodnar. Board of Public Works Clerk Linda M. Martin presented the Board with a proposed agenda of items presented by the public and by City staff.

Board members discussed the following item(s) from that list.

- Request to Advertise for the Receipt of Bids – Light Bulb Supplies
Mr. Matt Chlebowski, Central Services, stated the bid did not include traffic signal light supplies. Mr. Gilot requested that Mr. Chlebowski include some incandescent bulbs for traffic signals until LED change-out is accomplished or determine that there is current sufficient inventory.
- Request to Advertise for the Receipt of Bids – Printing Services
Mr. Matt Chlebowski, Central Services, stated he was obtaining pricing to compare to in-house printing. Mr. Chlebowski also stated that glossy printing can not be done in-house. Mr. Gilot advised that the city is looking at the feasibility of purchasing replacement printing equipment.
- Safety/Performance Reports – Central Services
Mr. Matt Chlebowski, Central Services, presented the safety and performance reports for Central Services.

APPROVAL OF PROPOSAL – PROFESSIONAL SERVICE – SEWER AIR
SAMPLING – NORTH SHORE DRIVE AND ANGELA BOULEVARD, AND
LEEPER PARK – WEAVER BOOS CONSULTANTS, LLC (SEWER WORKS O&M)

Mr. Jack Dillon, Environmental Services, recommended to the Board that the above referenced proposal from Weaver Boos Consultants, LLC, 630 East Bronson Street, Suite 1, South Bend, Indiana, in the amount of \$2,840.00, to identify odor causing chemicals in the sewer, be approved. Therefore, upon a motion made by Mr. Inks, seconded by Mr. Littrell and carried, the proposal was approved

ADOPT RESOLUTION NO. 76-2006 - VARIOUS CITY DEPARTMENTS – WRITE
OFF OF 2006 ACCOUNTS RECEIVABLE

Ms. Liz Rowe, Finance Department, stated that the purpose of the resolution was to write-off NSF checks for most city departments and that the resolution was a normal, yearly procedure. Upon a motion made by Mr. Inks, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works:

RESOLUTION NO. 76-2006

WHEREAS, the City of South Bend, through various City Departments, charged the persons listed on the attached documents for various services; and

WHEREAS, the charges have not been paid to the City of South Bend after the City Legal Department notified the person who received the services; and

WHEREAS, the Indiana State Board of Accounts has instructed the City to write off all uncollectible accounts after every attempt to collect them has been made; and

WHEREAS, the City of South Bend by and through its Board of Public Works, desires to write off the accounts listed on the attached documents.

NOW THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, that the attached documents totaling \$2,111.04 be written off to the accounts receivable of the City of South Bend as uncollectible.

Adopted the 21st day of December, 2006.

PUBLIC AGENDA SESSION

DECEMBER 21, 2006

BOARD OF PUBLIC WORKS
OF THE CITY OF SOUTH BEND, INDIANA

s/Gary Gilot, President
s/Carl Littrell, Member
s/Donald E. Inks, Member

Attest:
s/Linda M. Martin, Clerk

The Clerk was instructed to post the agenda and notify the media and other persons who have requested notice of the meeting agenda. No other business came before the Board. The meeting adjourned at 11:30 a.m..

BOARD OF PUBLIC WORKS

Gary A. Gilot, President

Carl P. Littrell, Member

Donald E. Inks, Member

ATTEST:

Linda M. Martin, Clerk

REGULAR MEETING

DECEMBER 26, 2006

The regular meeting of the Board of Public Works was convened at 9:32 a.m. on Monday, December 26, 2006, by Board President Gary A. Gilot, with Mr. Carl P. Littrell and Mr. Donald E. Inks present. Also present was Attorney Shawn Peterson, acting in behalf of Board Attorney Thomas Bodnar who was not present. Further, Cathy Daniels was present, acting in behalf of Clerk of the Board Linda M. Martin who was not present.

AGENDA ITEM ADDED

Proposal – Bowman Creek Restoration Project – EmNet, LLC

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the minutes of the public agenda session and the regular meeting of the Board held on December 7, and December 11, 2006, were approved.

APPROVE CORRECTION OF MINUTES – NOVEMBER 27, 2006

The following errors were noted by the Clerk of the Board in the minutes for November 27, 2006. In the City of South Bend Claims, the claim in the amount of \$3,797,562.71, dated November 11, 2006, should be corrected to November 20, 2006. Also, this specific claim was entered twice; therefore the duplicate should be deleted. Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the correction to the minutes of the regular meeting of the Board held on November 27, 2006 were approved.

AWARD BIDS – SALE OF ABANDONED VEHICLES

Mr. Gary Libbey, Code Enforcement, advised the Board that on December 11, 2006, bids were received and opened for the above referred to vehicles. After reviewing those bids,

Mr. Libbey recommends that the Board award the contract to the lowest, responsive and responsible bidders as follows.

TERRY’S AUTO SALVAGE

1926 Tamarack Road
Walkerton, Indiana 46574

BID:

No.	Make of Vehicle	Year	Bid
2	Green Ford Ranger	1992	\$202.00
3	Blue Buick LeSabre	1993	\$202.00
4	Red Ford Explorer	1992	\$238.00
7	Blue Cadillac Sedan	1987	\$165.00
10	Black Ford Bronco	1988	\$265.00
11	Blue Chevrolet Lumina	1995	\$213.03
12	Tan Ford Tempo	1993	\$165.00
13	Blue Cadillac Sedan	1992	\$212.91

I.A.P.
3300 South Main Street
South Bend, Indiana

BID:

No.	Make of Vehicle	Year	Bid
1	Green Pontiac Grand Am	1994	\$176.60
6	Gray Ford Mustang	1985	\$156.60
8	White Volkswagon Jetta	1988	\$156.60

MR. STEVE HUBLER

20057 5B Road
Plymouth, Indiana 46563

BID:

No.	Make of Vehicle	Year	Bid
5	Black Toyota Camry	1995	\$316.75
9	White Nissan Sentra	1996	\$223.75

Therefore, Mr. Gilot made a motion that the recommendation be accepted and the bids be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS/TITLE SHEET - RELOCTION OF CLEVELAND ROAD CROSS-OVER – PROJECT NO. 106-058 (AIRPORT TIF/STATE GRANT)

In a memorandum to the Board, Mr. Carl Littrell, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Mr. Littrell advised that the Title Sheet for the above referenced project was being presented at this time for execution. Upon a motion made by Mr. Gilot, seconded by Mr. Inks and carried, the above referred to Request to Advertise and the Title Sheet was approved and signed.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS –
GRANULAR ACTIVATED CARBON EQUIPMENT – SOUTH WELL FIELD
IMPROVEMENTS – PROJECT 107-021 (WATER WORKS REVENUE BOND 2006)

In a memorandum to the Board, Mr. John Wiltout, Water Works, requested permission to advertise for the receipt of bids for the above referenced project. This will get long lead time items on order in advance of a contract for installation. Therefore, upon a motion made by Mr. Gilot, seconded by Mr. Inks and carried, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – LIGHT
BULB SUPPLIES – USER DEPARTMENTS

In a memorandum to the Board, Mr. Matthew Chlebowski, Central Services, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – SALE
OF ABANDONED VEHICLES

In a memorandum to the Board, Mr. Gary Libbey, Code Enforcement, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by Mr. Inks, seconded by Mr. Littrell and carried, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF PROPOSALS –
PRINTING SERVICES – USER DEPARTMENTS

In a memorandum to the Board, Mr. Matthew Chlebowski, Central Services, requested permission to advertise for the receipt of proposals for the above referenced project. Therefore, upon a motion made by Mr. Inks, seconded by Mr. Littrell and carried, the above request was approved.

APPROVE CHANGE ORDER NO. 1 – VESSEL PIPE REPLACEMENT –
CENTERLINE MECHANICAL – PROJECT CODE 06WM08 (CAPITAL FUND 622)

Mr. Gilot advised that Mr. John Wiltout, Water Works, has submitted Change Order No. 1 on behalf of Centerline Mechanical, 1717 North Commerce, South Bend, Indiana, indicating that the Contract amount be decreased \$8,900.00, which represents a total change of 23.8% for a new Contract sum including this Change Order in the amount of \$28,600.00. Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the Change Order was approved.

APPROVE CHANGE ORDER No. 1 – SOUTH MICHIGAN STREET (SAMPLE
STREET TO BRONSON STREET) – RIETH RILEY CONSTRUCTION, COMPANY –
PROJECT NO. 106-044 (COIT)

Mr. Gilot advised that Mr. Toy Villa, Engineering, has submitted Change Order No. 1 on behalf of Rieth Riley Construction, Company, 25200 State Road 23, South Bend, Indiana, indicating that the Contract amount be increased \$4,711.25, which represents a total change of 3.38%, for a new Contract sum including this Change Order in the amount of \$144,471.25. Upon a motion made by Mr. Inks, seconded by Mr. Littrell, and carried, the Change Order was approved.

APPROVE CHANGE ORDER No. 1 – RIVERSIDE TRAIL PHASE I (R-27832-B) -
LAPORTE CONSTRUCTION COMPANY, INC.– PROJECT NO. 105-051 (GENERAL
FUND)

Mr. Gilot advised that Mr. Toy Villa, Engineering, has submitted Change Order No. 1 on behalf of LaPorte Construction Company, Inc., Post Office Box 577, LaPorte, Indiana indicating that the Contract amount be increased \$22,750.70, which represents a total change of 1.32%, for a new Contract sum including this Change Order in the amount of \$1,740,971.77. Upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, the Change Order was approved and recommended to INDOT for approval of federal funds for (80%) share.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT/WAIVER OF LIEN – SOUTH OLIVE STREET SANITARY SEWER REPAIR – HERMAN & GOETZ – PROJECT NO. 106-054 (SEWER FUND)

Mr. Gilot advised that Mr. Toy Villa, Engineering, has submitted Change Order No. (Final), on behalf of Herman & Goetz, 225 South Lafayette, South Bend, Indiana, indicating that the contract amount be increased by \$1,047.76, which represents a total change of 0.13%, for a new contract sum including this Change Order in the amount of \$787,534.76. Additionally submitted was the Project Completion Affidavit/Waiver of Lien indicating this new final cost. Upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, Change Order No. (Final) and the Project Completion Affidavit were approved subject to the filing of the appropriate three-year Maintenance Bond.

APPROVE CHANGE ORDER. (FINAL) AND PROJECT COMPLETION AFFIDAVIT/WAIVER OF LIEN – DOUGLAS ROAD SEWER & WATER EXTENSION – R & R EXCAVATION, INC. – 105-071 (SEWER FUND/WATER WORKS)

Mr. Gilot advised that Mr. Toy Villa, Engineering has submitted Change Order (Final), on behalf of R&R Excavation, Inc., 2010 Went Avenue, Mishawaka, Indiana, indicating that the contract amount be decreased by \$20,291.25, which represents a total change of (6.60 %), for a new contract sum including this Change Order in the amount of \$287,050.50. Additionally submitted was the Project Completion Affidavit/Waiver of Lien indicating this new final cost. Upon a motion made by Mr. Inks, seconded by Mr. Littrell, and carried, Change Order (Final) and the Project Completion Affidavit were approved subject to the filing of the appropriate three-year Maintenance Bond.

APPROVE CHANGE ORDER NO. 2 (FINAL) AND PROJECT COMPLETION AFFIDAVIT/WAIVER OF LIEN – EAST WASHINGTON STREETSCAPE IMPROVEMENTS – RIETH RILEY CONSTRUCTION COMPANY – PROJECT NO. 104-046 (CENTRAL DEVELOPMENT AREA)

Mr. Gilot advised that Mr. Toy Villa, Engineering has submitted Change Order No. 2 (Final), on behalf of Rieth Riley Construction, Company, 25200 State Road 23, South Bend, Indiana, indicating that the contract amount be increased by \$34,417.14, which represents a total change of 3.20%, for a new contract sum including this Change Order in the amount of \$1,109,269.04. Additionally submitted was the Project Completion Affidavit/Waiver of Lien indicating this new final cost. Upon a motion made by Mr. Inks, seconded by Mr. Littrell, and carried, Change Order No. 2 (Final) and the Project Completion Affidavit/Waiver of Lien were approved subject to the filing of the appropriate three-year Maintenance Bond.

APPROVE CHANGE ORDER (FINAL) AND PROJECT COMPLETION AFFIDAVIT/WAIVER OF LIEN – LASALLE PARK MODEL BLOCK (100-200 BLOCKS OF NORTH WELLINGTON – WALSH & KELLY, INC. – PROJECT NO. 106-041 (CDBG)

Mr. Gilot advised that Mr. Toy Villa, Engineering has submitted Change Order (Final), on behalf of Walsh & Kelly, Inc., 24358 State Road 23, South Bend, Indiana, indicating that the contract amount be decreased by \$2,720.55, which represents a total change of (1.71%), for a new contract sum including this Change Order in the amount of \$156,086.95. Additionally submitted was the Project Completion Affidavit/Waiver of Lien indicating this new final cost. Upon a motion made by Mr. Inks, seconded by Mr. Littrell, and carried, Change Order (Final) and the Project Completion Affidavit/Waiver of Lien were approved subject to the filing of the appropriate three-year Maintenance Bond.

APPROVE CHANGE ORDER (FINAL) AND PROJECT COMPLETION AFFIDAVIT/WAIVER OF LIEN – KELLER PARK SHERMAN AVENUE – BEALE STREET TO RIVERSIDE DRIVE – L.L. GEANS CONSTRUCTION COMPANY – PROJECT NO. 106-049 (GENERAL FUND)

Mr. Gilot advised that Mr. Toy Villa, Engineering has submitted Change Order (Final), on behalf of L.L. Geans Construction Company, 1923 North Home Street, Mishawaka, Indiana, indicating that the contract amount be increased by \$61.87, which represents a total change of 0.06%, for a new contract sum including this Change Order in the amount of \$91,073.87. Additionally submitted was the Project Completion Affidavit indicating

this new final cost. Upon a motion made by Mr. Inks, seconded by Mr. Littrell, and carried, Change Order (Final) and the Project Completion Affidavit were approved subject to the filing of the appropriate three-year Maintenance Bond.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT/WAIVER OF LIEN – IRELAND AND FELLOWS SIDEWALK IMPROVEMENTS – ORTIZ CONCRETE – PROJECT NO. 106-084 (SOUTHSIDE TIF)

Mr. Gilot advised that Mr. Toy Villa, Engineering has submitted Change Order No. 1 (Final), on behalf of Ortiz Concrete, 530 Pulaski Street, South Bend, Indiana, indicating that the contract amount be decreased by \$1,475.00, which represents a total change of (11.13%), for a new contract sum including this Change Order in the amount of \$11,775.00. Additionally submitted was the Project Completion Affidavit indicating this new final cost. Upon a motion made by Mr. Inks, seconded by Mr. Littrell, and carried, Change Order No. 1 (Final) and the Project Completion Affidavit were approved subject to the filing of the appropriate three-year Maintenance Bond.

APPROVE PROJECT COMPLETION AFFIDAVIT/WAIVER OF LIEN – CARPET REPLACEMENT – CENTURY CENTER – CARPET SERVICE OUTLET, INC. – PROJECT NO. 106-070 (HOTEL TAX/MOTEL TAX)

Mr. Gilot advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit/Waiver of Lien, on behalf of Carpet Service Outlet, 1514 Mishawaka Avenue, South Bend, Indiana, for the above referenced project, indicating a final cost of \$142,950.00. Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the Project Completion Affidavit/Waiver of Lien was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT/WAIVER OF LIEN – SOUTH BEND FIRE STATION #7 – ROOF REPLACEMENT – KRC ROOFING & SHEET METAL, INC. – PROJECT NO. 106-066 (FIRE FUND)

Mr. Gilot advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit/Waiver of Lien, on behalf of KRC Roofing & Sheet Metal, Inc., 3702 West Sample Street, South Bend, Indiana, for the above referenced project, indicating a final cost of \$39,950.00. Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the Project Completion Affidavit/Waiver of Lien was approved.

APPROVAL OF AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

The following Agreements/Contracts/Proposals/Addenda were submitted to the Board for approval:

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ SECONDED
Agreement	Services as a Member of the Board of Public Safety - 2007	Jesusa Rodriguez	\$3,400.00	Gilot/Inks
Agreement	Services as a Member of the Board of Public Safety	Patrick Cottrell	\$3,400.00	Gilot/Inks
Agreement	Services as a Member of the Board of Public Safety	Reverend Donald Alford	\$3,400.00	Gilot/Inks
Agreement	Services as a Member of the Board of Public Safety	Bruce J. BonDurant	\$3,400.00	Gilot/Inks
Agreement	Services as a Member of the Board of Public Safety	Juanita Dempsey	\$3,400.00	Gilot/Inks
Grant Agreement	Lincoln Way West	1246 Lincoln Way West	\$18,062.50	TABLED Gilot/Inks

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ SECONDED
	Commercial Corridor Façade Improvement Matching Grant Program			
Agreement	Administrative & Fiscal Support – 2007	South Bend Weed & Seed Alliance, Inc.	\$1.00	Littrell/Inks
Agreement	Staff Support - 2007	Rebuilding Together		Littrell/Inks
Construction Contract	701 Pennsylvania – Water/Sewer Laterals	Niezgodski Plumbing, Inc.	\$13,340.00	Inks/Littrell
Construction Contract	701 Pennsylvania – Electric	Garman Electric	\$3,760.85	Inks/Littrell
Construction Contract	701 Pennsylvania – Heating/Air Conditioning	Gnoth & Naragon Heating & Air Conditioning, Inc.	\$12,629.65	Inks/Littrell
Extension Agreement	Mishawaka Avenue Commercial Corridor Façade Improvement Grant Program	2218-2232 Mishawaka Avenue	Extension – November 17, 2006	Inks/Littrell
Extension Agreement	Mishawaka Avenue Commercial Corridor Façade Improvement Grant Program	2218-2232 Mishawaka Avenue	Final Extension December 18, 2006	Inks/Littrell
Extension Agreement	Mishawaka Avenue Commercial Corridor Façade Improvement Grant Program	2521 Mishawaka Avenue	Extension – January 17, 2007	Gilot/Inks
Construction Contract	Dewatering Polymer Feed System	Bowen Engineering	\$293,000.00	Inks/Littrell
Service Agreement	Flex Administrative Services – Health Insurance Fund	North American Administrators	Annual Renewal	Inks/Littrell
Service Agreement	Property/Boiler Machinery Services – Worker's Compensation Services	Gibson Insurance Group	\$40,800.00	Inks/Littrell
Agreement	Commercial and Industrial Interruptible Sales Service – Waste Water Treatment	Northern Indiana Public Service Company		Inks/Littrell

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ SECONDED
	Utility			
Loan Agreement	Loan and Authorization to Transport – 1966 Cruiser to Canadian International Autoshow – February 9, 2007-February 26, 2007	Studebaker National Museum		Inks/Littrell
Proposal	Bowman Creek Restoration – Waste Water Utility Fund	EmNet, LLC	\$29,780.00	Inks/Littrell Subject to Legal Review and Funding Availability

APPROVE CONSENT TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE AND ACKNOWLEDGEMENT OF CITY COMPACT FEES – AUGUSTINE LAKES SUBDIVISION – WEST SIDE OF PRIMROSE ROAD – SEWER AND WATER

Mr. Gilot stated that the Board is in receipt of a Consent to Annexation and Waiver of Right to remonstrate as submitted by Augustine Lakes Subdivision. The Consent indicates that in consideration for permission to tap into public sanitary sewer system of the City, to provide sanitary sewer and water service to Augustine Lakes Subdivision, west side of Primrose Road, South Bend, Indiana, Mr. Dennis D. Miller, Member, 54340 29th Street, South Bend, Indiana agrees to waive and release any and all right to remonstrate against or oppose any pending or future annexation of the property by the City of South Bend. Therefore, Mr. Gilot made a motion that the Consent be approved. Mr. Littrell seconded the motion, which carried.

APPROVE IRREVOCABLE LETTER OF CREDIT:

Mr. Tony Molnar, Division of Engineering, submitted the following irrevocable Letter of Credit to the Board and recommended approval:

IRREVOCABLE STANDBY LETTER OF CREDIT NO. 717489S

ISSUED BY: Kendall-Weiss, LLP/Developers Surety and Indemnity Company

FOR: Lafayette Falls

AMOUNT: \$32,839.00

EXPIRES:

IMPROVEMENT: Section Four

Mr. Gilot made a motion that the Letter of Credit, as outlined above, be accepted and placed on file. Mr. Littrell seconded the motion, which carried.

APPROVAL OF RECOMMENDATION – PROCESSION – SOUTH BEND HERITAGE FOUNDATION – MARTIN LUTHER KING DAY MARCH

Mr. Gilot stated that favorable recommendations have been received by Engineering, Traffic and Lighting, Park Department, Police Department and the City Attorney's office, in reference to a request as submitted by the South Bend Heritage Foundation to conduct the above referred to procession, on January 15, 2007, on the designated route as submitted. Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the procession was approved.

RECOMMENDATION - PETITION TO VACATE THE ALLEY - NORTH/SOUTH ALLEY FROM DUBAIL AVENUE SOUTH TO THE FIRST EAST/WEST ALLEY

Mr. Gilot indicated that New Life Fellowship Ministry, 2301 West Dubail Avenue, South Bend, Indiana, has submitted a request to vacate the above referred to alley. Mr. Gilot advised that the Board is in receipt of recommendations concerning this Vacation Petition from the Area Plan Commission, Police Department, Fire Department, Environmental Services, Department of Economic Development and the Department of Public Works. Area Plan stated that the vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The area has not been fully built out. There are undeveloped lots. Vacating the alley could affect the ability of future development to conform to and fully utilize the alley to meet the current rear access design of the neighborhood. The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient. One current garage is accessed from the portion of the alley that would be vacated. The vacation would not hinder the public's access to a church, school, or other public building or place. The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous. Services such as trash removal use the alley and emergency access for the Fire and Police Departments could be negatively affected, in turn increasing their response times. Division of Environmental Services indicated that closing the alley would affect the trash service of six (6) neighbors. Currently their trash is placed in the alley. These customers would have to place their trash at the curb line for pick up. Engineering states, in addition, if this alley is vacated, it be done so subject to any utility easements that are necessary. Therefore, Mr. Gilot made a motion that the Clerk send a letter to the petitioner addressing these concerns. Mr. Inks seconded the motion which carried.

ADOPT RESOLUTION NO. 74-2006 - A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN CENTRE TOWNSHIP (SHOEMAKER ANNEXATION AREA)

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works:

RESOLUTION NO. 74-2006**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN CENTRE TOWNSHIP (SHOEMAKER ANNEXATION AREA)**

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in Centre Township, St. Joseph County, Indiana, which is more particularly described at Page 15 of Exhibit "A" attached hereto; and

WHEREAS, the territory proposed to be annexed encompasses approximately .821 acres of vacant land, which property is at least 12.5% contiguous to the current City limits, i.e., approximately 46.3% contiguous, generally located at the southeast corner of U.S. 31 and Detroit Street. It is anticipated that the annexation area will be developed for a single-story office-retail building and a parking lot.

This development will require a basic level of municipal public services of a non-capital improvement nature, including street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the Board of Public Works now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including street and road maintenance, street sweeping, flushing, and

snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 15 of Exhibit "A" attached hereto be annexed to the City of South Bend.

Section II. That it shall be and hereby is now declared and established that it is the policy of the City of South Bend, by and through its Board of Public Works, to furnish to said territory services of a non-capital nature, such as street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. That the Board of Public Works shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer network is available with capacity sufficient to service this area with any extensions for future development to be paid by the developer; a 400' water main extension will be needed to service the annexation area to be paid by the developer; that street lighting and parking will be installed at the developer's expense; and that a street drainage plan will be also be planned, provided and paid for by the developer subject to compliance with state and local law.

Section IV. It is required as a condition of annexation that neo-traditional building/site design elements be included in terms of context, setback, orientation, spacing, style, massing, height, entry, fenestration, materials, accessory buildings, landscape buffering and lighting that achieve development and design of the highest possible quality. It is required that the annexation area integrate harmoniously with the surrounding residential areas to the east.

In consideration of pedestrian safety and proper vehicular movement, it is further required as a condition of rezoning and annexation that the developer give very careful consideration to vehicular access and circulation as well as pedestrian movement for the development within the annexation area. All screening, signage and vehicular access shall conform to the latest City of South Bend standards and ordinances.

Building plans and other information to satisfy these requirements must be submitted by the developer to the City as part of the development review process. Failure to comply with all the conditions may result in the City's repeal of annexation.

Adopted the 26th day of December, 2006.

BOARD OF PUBLIC WORKS
OF THE CITY OF SOUTH BEND, INDIANA

s/Gary Gilot, President
s/Carl Littrell, Member
s/Donald E. Inks, Member

Attest:
s/Cathy Daniels, Acting Clerk

APPROVE TRAFFIC CONTROL DEVICE

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the following traffic control devices were approved:

NEW INSTALLATION: Handicapped Accessible Parking Space Signs
LOCATION: 1131 East Indiana
REMARKS: All Criteria Has Been Met

NEW INSTALLATION: Handicapped Accessible Parking Space Signs
LOCATION: 1736 Leer Street
REMARKS: All Criteria Has Been Met

APPROVE TRAFFIC CONTROL DEVICE – ZONING RESERVATION

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Zoning Reservation was approved:

NEW INSTALLATION: Zoning Reservation of Parking Spaces – Madison Center
LOCATION: 500 Block of East Cedar Street
REMARKS: All Criteria Has Been Met

APPROVE WASTEWATER DISCHARGE PERMIT RENEWAL

In a Memorandum to the Board, Mr. Manuel Bueno, Division of Environmental Services, submitted the following Industrial Discharge Permit and recommended approval:

ROYAL ADHESIVES AND SEALANTS, LLC. - Renewal

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, the above referenced permit was approved for renewal.

FILING OF SAFETY REPORTS – CENTRAL SERVICES

The Division of Central Services submitted a Safety Report for November, 2006. The report reflects injuries/accidents for the month and provides for a comparison. There being no further discussion, upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the report was accepted and filed.

FILING OF MONTHLY REPORT – CENTRAL SERVICES

Mr. Matt Chlebowski, Central Services submitted the monthly report for November, 2006. There being no further discussion, upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, the monthly report was accepted and filed.

APPROVAL/RELEASE OF CONTRACTOR AND EXCAVATION BONDS

Mr. Anthony Molnar, Division of Engineering, recommended that the following Contractor and Excavation Bonds be approved and/or released as follows:

BOND OF CONTRACTOR

Chris Wood Released Effective December 26, 2006

BOND FOR EXCAVATION

O.J. Shoemaker, Inc. Released Effective December 26, 2006

Soil Exploration Services
dba SES Environmental, Inc. Released Effective December 26, 2006

ASAP Septic, LLC Approved Effective December 14, 2006
Pursuant to Resolution No. 100-2000

Upon a motion made by Mr. Gilot, seconded by Mr. Inks, and carried, the above referenced bonds were approved/released.

FILING OF CERTIFICATE OF INSURANCE

Upon a motion made by Mr. Gilot, seconded by Mr. Inks, and carried, the following Certificates of Insurance were accepted for filing:

Kerkstra Precast, Inc.	Grandville, Michigan
Reece Campbell, Inc.	Cincinnati, Ohio
Garman Electric	Mishawaka, Indiana
Niezgodski Plumbing, Inc.	South Bend, Indiana

Mr. Gilot made a motion that the recommendation be accepted and that the Bonds be released as outlined above. Mr. Inks seconded the motion, which carried.

APPROVE CLAIMS

Mr. Gilot stated that the following claims were submitted to the board for approval:

Name	Amount of Claim	Date
City of South Bend	\$2,509,467.08	December 11, 2006
City of South Bend	\$7,674,525.25	December 18, 2006
St. Joseph County Housing Consortium	\$111.74	November 14, 2006
St. Joseph County Housing Consortium	\$551.36	November 14, 2006
St. Joseph County Housing Consortium	\$6,954.79	November 14, 2006
St. Joseph County Housing Consortium	\$9,012.61	November 14, 2006
St. Joseph County Housing Consortium	\$71.98	November 14, 2006
St. Joseph County Housing Consortium	\$393.75	November 14, 2006
St. Joseph County Housing Consortium	\$5,409.02	November 13, 2006
St. Joseph County Housing Consortium	\$48,549.39	November 13, 2006
St. Joseph County Housing Consortium	\$7,274.75	November 13, 2006
St. Joseph County Housing Consortium	\$215.52	November 14, 2006
St. Joseph County Housing Consortium	\$280.50	November 14, 2006
St. Joseph County Housing Consortium	\$2,486.40	December 7, 2006
St. Joseph County Housing Consortium	\$2,486.39	December 7, 2006
St. Joseph County Housing Consortium	\$40,805.34	December 1, 2006
St. Joseph County Housing Consortium	\$24,732.11	December 1, 2006
St. Joseph County Housing Consortium	\$950.48	December 1, 2006
St. Joseph County Housing Consortium	\$616.68	December 1, 2006
St. Joseph County Housing Consortium	\$478.50	December 1, 2006
St. Joseph County Housing Consortium	\$2,396.25	December 1, 2006
St. Joseph County Housing Consortium	\$4,893.98	December 1, 2006
St. Joseph County Housing Consortium	\$3,615.00	December 7, 2006
St. Joseph County Housing Consortium	\$25,515.00	December 5, 2006
St. Joseph County Housing Consortium	\$90,016.57	December 11, 2006
Rieth-Riley Construction Company, Inc. – Pay Estimate #9 – Ireland Road Construction	\$149,626.04	December 14, 2006

Mr. Inks made a motion that the claims be approved and the reports as submitted be filed. Mr. Littrell seconded the motion, which carried.

ADJOURNMENT

There being no further business to come before the Board, upon a motion made by Mr. Gilot, seconded by Mr. Inks and carried, the meeting adjourned at 10:24 a.m.

BOARD OF PUBLIC WORKS

Gary A. Gilot, President

Carl P. Littrell, Member

Donald E. Inks, Member

ATTEST:

Linda M. Martin, Clerk